

JOSEPH S. FERGUSON,)
)
 Plaintiff,)
)
 v.) 1:15CV450
)
 N.C. DEPT. OF PUBLIC SAFETY,)
)
 Defendant(s).))

Plaintiff, a prisoner of the State of North Carolina, submitted a civil rights action pursuant to 42 U.S.C. § 1983, together with an application to proceed *in forma pauperis*. He later submitted an Amended Complaint. The form of the Complaint and Amended Complaint are such that serious flaws make it impossible to further process them. The problems are:

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3. Plaintiff does not name proper defendants or give sufficient addresses for them to be served. As just stated, he lists no Defendants in Section IV of his original Complaint or the Amended Complaint. Plaintiff must name the persons who are actually responsible for the alleged violations of his constitutional rights. He does list the North Carolina Department of Public Safety in the caption of the Complaint, but listing a party in the caption only is not sufficient. Also, the entity listed is not a person. Plaintiff lists some persons in the caption of his Amended Complaint, but does not explain how they violated his federal rights.
4. Plaintiff sets out a series of facts in Section V of the Complaint and the Amended Complaint and in what the Court filed as several Supplements [Doc. #3, #5-#8] to the Complaint, but it is unclear which facts he contends represent the violation of his federal constitutional or statutory rights. The facts appear to relate to an alleged assault on Plaintiff by a fellow inmate, but the basis of his federal claims is not clear. To the extent Plaintiff may be alleging that prison officials or medical staff were negligent in Plaintiff's subsequent medical care, a § 1983 claim for an Eighth Amendment violation would require that Plaintiff allege facts showing deliberate indifference to a serious medical need, not just negligence. Likewise, to the extent Plaintiff may be alleging that prison officials failed to protect him from harm, Plaintiff must allege facts to support a claim that prison officials acted with deliberate indifference to Plaintiff's safety. Plaintiff should also make it clear which persons he believes violated his rights and how by tying particular facts to particular Defendants. In addition, to the extent that Plaintiff attempts to raise claims on behalf of other inmates, he may not represent other inmates *pro se*, and may only bring claims on his own behalf.

Consequently, the Complaint and Amended Complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects of the present filings. To further aid Plaintiff, the Clerk is instructed to send Plaintiff new § 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Fed. R. Civ. P. 8 (*i.e.*, Sections (a) & (d)).

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation. The Clerk is instructed to send Plaintiff § 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Fed. R. Civ. P. 8 (*i.e.*, Sections (a) & (d)).

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited above.

This, the 16th day of September, 2015.

/s/ Joi Elizabeth Peake
United States Magistrate Judge